

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 13, 1949

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

## Roll Call:

Present: Councilmen Drake, Long, MacCorkle, Mayor Glass

Absent: Councilmen Johnson

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

The Council greeted and welcomed a group of children from Matthews School who were studying City Government.

The Minutes were read; and upon motion of Councilman MacCorkle, seconded by Councilman Long, were unanimously voted approved.

MR. BOB GREGG, representing the Sigma Alpha Epsilon, and the spokesman for a group of residents on San Antonio Street between 25th and 26th Streets, appeared before the Council and submitted petitions reading as follows:

"We the undersigned are owners or represent owners of property located on San Antonio between 25th and 26th Streets; also the 500 and 400 block of 26th Street. We petition you to cancel if possible any "C-1" permits granted and refuse to renew or grant any more C-1 permits for the 2500 block San Antonio Street. This is a very narrow, dead end street. We for a long time have found this street very difficult for traffic for parking. A Taxi Company is located on the east side, which helps the congestion. "C-1" will not improve the situation. We will greatly appreciate your cooperation."

and

"We the undersigned are owners of property on San Antonio Street between 25th and 26th. Since we were not notified of any change of zoning of the east side of this street to "C-1" so that we may have had the opportunity to express our protest against the undesirable business which is a hazard to our already impossible traffic situation, we are petitioning you to remove the C-1 zoning and permit it to be handled as all other zoning permits. The west side of the street is residential."

MR. GREGG, asked the Council to cancel out any C-1 permits and not permit any other restaurant to see beer, as it would be noisy and detrimental to students trying to study--that the property values would be lowered with the sale of beer. MRS. STEVENSON stated the street was just too narrow to permit establishments selling beer and adding to the traffic. MR. SAXON spoke in opposition. Councilman MacCorkle moved that this whole matter be referred to the Zoning Board for further study to see if it is correctly zoned. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Johnson

MAYOR GLASS suggested that the City Manager have a study made with reference to making Colorado Street one-way north, and Brazos one-way south; perhaps West 7th Street one way west. The City Manager stated that the Planning Board had recommended a complete pattern of the down-town streets; and he stated that all parking lots were on the north side of West 7th Street, and that perhaps that would work out very well as a one-way west. The Mayor suggested that this study be made and possibly tried out.

MR. K. T. CAPPEL presented the following petition from property owners in the Rosedale Area for a traffic light at the corner of Burnet Road and Highway 49:

"We the undersigned, petition the City of Austin Police Department (Traffic Division) to install a traffic light at the corner of Burnet Road and Highway 49 for the protection of children crossing this road and to slow up traffic in this area. This action is endorsed by the Rosedale Parents Teachers Association and the home owners of this area." Petition signed by approximately 146 property owners.

Mr. Cappel stated the speed limit there was 35, marked up to 45 miles per hour further out on the highway. The Mayor thought perhaps the speed limit might be a little high at this point and that perhaps when the speed was set, consideration had not been given to the school location. Councilman Long moved that this matter be referred to the City Manager to request the Police Department to make a study and recommendation on the speed and traffic light necessity. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Johnson

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in EAST 7TH STREET, from a point 172 feet West of Pedernales Street westerly 100 feet, the centerline of which gas main shall be 8.5 feet South of and parallel to the North property line of said EAST 7TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in WALNUT AVENUE, from a point 236 feet north of East 14th Street Northerly 65 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WALNUT AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in DENSON DRIVE, from Georgetown Road easterly 545 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said DENSON DRIVE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in CASWELL AVENUE, from East 43rd Street southerly 86 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said DASWELL AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in THOMPSON STREET, from a point 55 feet west of Springdale Road westerly 624 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said THOMPSON STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in CHERICO STREET, from a point 259 feet South of Neal Street southerly 623 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said CHERICO STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in ANGELINA STREET, from a point 136 feet south of East 13th Street northerly 45 feet, the centerline of which gas main shall be 16 feet east of and parallel to the west property line of said ANGELINA STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in UNIVERSITY AVENUE ALLEY, from a point 148 feet south of West 20th Street southerly 140 feet, the centerline of which gas main shall be 8 feet west of and parallel to the east property line of said UNIVERSITY AVENUE ALLEY.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(9) A gas main in MARTIN AVENUE, from a point 39 feet north of East 50th Street, southerly 47 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said MARTIN AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(10) A gas main in EAST 50TH STREET, from Martin Avenue Easterly 28 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 50TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(11) A gas main in GRISWOLD LANE, from a point 25 feet west of Sharon Lane westerly 76 feet, the centerline of which gas main shall be 1.5 feet south of and parallel to the north property line of said GRISWOLD LANE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(12) A gas main in BOULDIN AVENUE, from Daniel Drive northerly 90 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said BOULDIN AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(13) A gas main in CUMBERLAND ROAD, from a point 171 feet East of Wilson Street Easterly 45 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said CUMBERLAND ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(14) A gas main in CUMMINGS STREET, from a point 38 feet west of East Avenue westerly 29 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CUMMINGS STREETS.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

The Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT The work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the city of Austin.

Which motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

Councilman MacCorkle introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS, AND AMENDING SECTIONS 22(f) AND 23(b) OF ARTICLE IV RELATING RESPECTIVELY TO TWO-HOUR PARKING AND PASSENGER ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Drake, moved that the rule be suspended and the ordinance passed to its second reading. The motion,

duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

The ordinance was read the second time, and Councilman Drake moved that the rule be suspended, and the ordinance passed to its third reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

The Mayor then announced that the ordinance had been finally passed.

Mayor Glass brought up the following ordinance for its second reading:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF CERTAIN STREETS OR PORTIONS THEREOF IN THE CITY OF AUSTIN; APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, INVOKING THE PROCEDURE PROVIDED BY ARTICLE XXIV OF THE CITY CHARTER AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40th LEGISLATURE OF TEXAS, DETERMINING THE PROPORTIONATE PART OF THE COSTS TO BE BORNE BY THE CITY AND THE PART TO BE BORNE BY THE ABUTTING PROPERTIES AND THE OWNERS THEREOF, PROVIDING FOR THE ASSESSMENT OF THE PORTION OF THE COSTS TO BE BORNE BY PROPERTY OWNERS, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, AND DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS.

The ordinance was read the second time and Councilman Drake, moved that it be passed to its third reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

Councilman MacCorkle introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 23(b) AND 23(d) OF ARTICLE IV RELATING RESPECTIVELY TO PASSENGER ZONE AND LOADING ZONE LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OR ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
Noes: None  
Absent: Councilman Johnson

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
Noes: None  
Absent: Councilman Johnson

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
Noes: None  
Absent: Councilman Johnson

The Mayor then announced that the ordinance had been finally passed.

The City Manager presented the following tabulation of bids received for the construction of miscellaneous Storm Sewers:

October 12, 1949

"Memorandum to: Guiton Morgan, City Manager

"Memorandum from: C. G. Levander, Director of Public Works

"Re: Bids for Miscellaneous Storm Sewers

"Following is a tabulation of the bids received at 10:00 o'clock A.M., Tuesday, October 11, 1949 for the construction of miscellaneous storm sewers located as follows:

Pressler Street - from West 6th Street north  
 Leona Street - from culvert south of Rosewood Avenue south to Dotsen School  
 Willow Street - from Comal Street to one-half block east of Chalmers Avenue  
 Bridle Path, Meadowbrook Drive and Clearview Dr. - from Exposition Blvd to Mountainview Road  
 Dillman Street and easements - from Enfield Road to Cherry Lane  
 Duval Street with laterals - from Waller Creek to East 51st Street  
 Kenwood Avenue - from 200 feet north of Reagan Terrace to Woodland St. Alley  
 Easements north of 45th Street - from Avenue C to Waller Creek  
 Concho Street, easements and Chalmers Avenue - from East 7th Street to East 11th Street  
 Rector Street - from Rosewood Avenue to East 11th Street

R. W. Smith	\$ 119,314.10	- 130 working days
Collins Construction Co.	123,328.75	- 120
Quisle Construction Co.	124,229.60	- 180
S. B. Ricks	136,357.75	- 150
Joe Bland Construction Co.	139,814.20	- 150
Karl Wagner	142,985.08	- 180
McKown & Sons	161,562.49	- 200

"R. W. Smith is the low bidder on this project and I recommend that he be awarded the contract.

"Our estimated cost on this project was \$109,000.00. This estimate was based on assumed rock quantities, however, we bored the entire project to obtain a more accurate estimate of the rock quantities for the benefit of the bidders and found that there would be more rock quantities than we estimated.

(s) C. G. Levander

The City Manager recommended that R. W. Smith be awarded the contract as he was the low bidder at \$119,314.10. Councilman Long moved that the recommendation of the City Manager be accepted. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
Noes: None  
Absent: Councilman Johnson

JOE HERMAN BROWN appeared before the Council in an appeal for his application to operate his own taxi-cab. He has a drivers license. When his operator permit came up for approval, it was not recommended due to a police record when he was 15, 17, and 23 years old. Since he is driving a cab at present and wants to operate his own car, Councilman Long moved that his application for operators license on a PLYMOUTH 4-Door, 1947 Special Delux; Motor P15-547997, Serial 11815636, License KK 4316, be granted. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Long, Mayor Glass  
Noes: Councilman MacCorkle  
Absent: Councilman Johnson

In the afternoon meeting, representatives of the commercial boat operators, Navigation Board and Council met concerning docks on Lake Austin. The Mayor stated the Council had found a site suitable for a public dock, and that the Council felt that there should be a public dock on the lake where people could land. Commercial boats could be charged some kind of fee per year, but individuals would not be charged. He asked if this would be satisfactory to the commercial boat operators. MR. WILLIAM BOAKE and MR. SNYDER stated it would be satisfactory to them. MR. W. W. BENNETT had agreed previously to forego any claim he had on an option to lease from the University of Texas this land. The Mayor stated the University might work out a plan with the City for this dock and park space. It was brought out it might be economical to move the City boats on the public dock, and not pay rent.

MR. COFFEE, owner of the Cliff House, spoke stating Mr. Bennett had offered the public a dock, and he could not see the economy in the City duplicating this; that he was satisfied with Mr. Bennett's and Mr. Burr's ferry service. The City Manager stated the City was not going in the dock business, but was trying to provide a municipal dock for the public, and there would not be any storage places for boats.

The application of Mr. W. W. Bennett was not acted upon pending development of the negotiations with the University for use of land on which to build the public dock.

In discussing the lake, the Mayor stated it looked bad and needed cleaning up--that there were too many old rubber rafts around, and he asked that all half-submerged boats and old rubber rafts be removed. The City Manager was instructed to report this to the Police Department.

COUNCILMAN LONG inquired about the rubbish and dried brush and leaves at the City Park with respect to its being a fire hazard. The City Manager stated that at this time nothing had been done about it; however, plans were to get it all together and burn it with proper caution and protection.

Councilman Long moved that the following applications for changes of zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

E. L. G. ALEXANDER	1807 McKinley Avenue	From "A" Residential To "C" Commercial
KENNETH LAMKIN, for ELBERT VAN DYKE	1100 Blk. north side of E. 11th, between Waller and Lydia Streets	From "C-1" Commercial To "C-2" Commercial
W. E. PHILLIPS	1207 Chicon (or 1213?)	From "C" Commercial To "C-1" Commercial

The motion, seconded by Councilman MacCorkle, carried by the following vote:  
 Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

The Council held public hearings on the following applications, having been advertised for hearing for 2:30 this date:

JACK SPARKS, GEORGE W. SPARKS, MRS. YERGER HILLS, JR.	1107-11 Rio Grande	From "B" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment.
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MRS. A. E. HANCOCK appeared, not particularly in opposition to the change of zone, but to see if something could be done about trash, garbage, papers, meat scraps in this little commercial center. The Council referred this matter to the City Manager to report to the Health Department. JACK SPARKS appeared in his own behalf and for the other owners. Councilman Long moved that the recommendation of the Zoning Board of Adjustment be upheld and the change granted. Councilman Drake seconded the motion, and it carried by the following vote:

Ayes: Councilman Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

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W. J. NELSON	2917 Red River	From "A" Residential To "B" Residential RECOMMENDED by the Zoning Board and to also include additional property.
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MR. A. B. BEDDOW represented the owner in this change. Councilman Long moved that the recommendation of the Zoning Board be upheld and the requested change granted; and that the additional property recommended by the Zoning Board be advertised for public hearing at 11:00 A.M. November 10, 1949. (Listed below) The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

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Councilman Long moved that the following applications be set for public hearing at 11:00 A.M., November 10, 1949:

The additional property recommended by the Zoning Board of Adjustment in connection with the request of W. J. NELSON

Remainder of Lot 2 Lots 3,4,5, and 6, outlot 23, Div. C, Unplatted.

From "A" Residential To "B" Residential RECOMMENDED by the Zoning Board of Adjustment.

W. R. HOOPER

Lots 1,2, & 8, Blk. 6 Fairview Park Addition 1225 South Congress and 109 Academy Drive

From "B" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment.

The motion, seconded by Councilman Drake, carried by the following vote:  
 Ayes: Councilmen Drake, Long, MacCorkle, Mayor Glass  
 Noes: None  
 Absent: Councilman Johnson

There being no further business, the Council recessed until 7:30 P.M. this night.

APPROVED: Taylor Glass

ATTEST:

Elsie Hooley  
 City Clerk